

REMARKS

Claims 1-18 are pending. Applicant requests reconsideration in light of the following remarks. Applicant has amended the claims as discussed below. Applicant requests withdrawal of the outstanding rejections, and allowance of the claims.

In the outstanding office action, the Examiner finally rejected claims 1-5, 8-14 and 17-18 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,109,569 to Shaw (hereinafter "Shaw"). Further, the Examiner rejected claims 7 and 16 under 35 U.S.C. §103(a) as being unpatentable over Shaw. Also, the Examiner objected to claims 6 and 15 as being dependent on a rejected base claim, but allowable if rewritten in independent form. Applicant contends that all the claims are patentable over Shaw, and requests withdrawal of the rejection under 35 U.S.C. §103(a).

The independent claims 1 and 10 have been further amended to recite that the dampening insert is in contact with the caster bolt and the housing. According to the present invention, the dampening insert applies a biasing force between the caster bolt and the housing to dampen the rotation of the caster bolt with respect to the housing. Support for this amendment is clearly shown in Fig. 4 and at page 4 in the instant application. It is submitted that no new searching or review is necessary and that such amendment clearly sets forth the distinctions between the present invention and the cited Shaw reference.

The present invention solves the problem of any minute horizontal movement, or fluttering, by having the dampening insert be in constant contact with the vertically extending caster bolt and housing of the caster.

Further, the flat surface of the dampening insert of the present invention is more than mere design choice. The flat surface of the dampening inserts allows the inserts to be in contact with both the caster bolt and the housing. It is the flatness of the dampening insert's surface that allows the insert to be capable of being bent. The flat dampening insert is thus bent in order to fit into the space defined between the caster bolt and the housing. The contacting of the dampening insert on the caster bolt

and housing causes the "dampening" of any fluttering, or horizontal, movement of the caster wheel assembly.

In contrast, the Shaw reference is directed to a resilient caster that is able to be moved in a horizontal direction in response to a horizontal loading force, as described at column 3, lines 3-14, and shown in Fig. 3 therein. The Shaw elastomeric damper 60 is compressed in a vertical direction in response to the horizontal loading. Thus, the Shaw reference fails to address the problem of undesirable fluttering, or horizontal, movement.

Further, the Shaw elastomeric damper 60 is positioned between the housing 14 and the stud 20, but is not in contact with any surface to supply any biasing force. Rather, the elastomeric damper of Shaw bears against a top surface 18 in order to allow the caster to move in a horizontal direction without moving in a vertical direction. Thus, the Shaw reference actually teaches away from the present invention since the Shaw caster is allowed to move horizontally.

In addition, the elastomeric damper 60 of the Shaw caster does not have a substantially flat surface. Rather, the Shaw damper (as shown in the Shaw figures and as stated at column 1, lines 62-64, and at column 3, lines 7-8 therein) is "disposed to surround the stud". Therefore, the Shaw reference further teaches away from the present invention by having a cylindrical shape, rather than a flat, or planar, surface.

Therefore, at least for these reasons, Shaw fails to teach or suggest the invention defined in the claims. Accordingly, Applicant requests withdrawal of the rejections under 35 U.S.C. §103(a).

The allowable claims 6 and 15 have been amended to be in independent form and the Applicant submits that these claims are now in condition for allowance.

In view of the above amendments and remarks, Applicant has shown that the invention, as defined in the claims is neither disclosed nor suggested by Shaw. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of record, and allowance of all claims.

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